

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BALKRISHNA SETTY, *et al.*,

Plaintiffs,

v.

SHRINIVAS SUGANDHALAYA LLP, *et al.*,

Defendants.

Case No. C17-1146-MLP

ORDER

I. INTRODUCTION

There are currently two ripe motions pending before the Court in this matter. First, on July 26, 2024, Plaintiffs and Counter-Defendants Balkrishna Setty and Shrinivas Sugandhalaya (BNG) LLP (together, “Plaintiffs”) and Counter-Defendant Designs by Dee Kay, Inc. (together with Plaintiffs, “Counter-Defendants”) filed a motion to strike Defendant R Expo (USA) Ltd., Inc.’s (“R Expo”) amended counterclaims. (Mot. to Strike (dkt. # 168).) R Expo filed a response and Counter-Defendants filed a reply. (Dkt. ## 170-71.) Defendant Shrinivas Sugandhalaya LLP (“SS LLP”) did not file any briefing on the Motion to Strike. The Court held oral argument on September 10, 2024. (Dkt. # 174.)

1 Second, on August 30, 2024, Miller Nash LLP (“Miller Nash”), counsel for SS LLP, filed
 2 a motion to withdraw as counsel. (Mot. to Withdraw (dkt. # 173).) All other parties in the case—
 3 Counter-Defendants and R Expo—filed a response. (Resp. (dkt. # 175).) Counter-Defendants
 4 and R Expo do not oppose Miller Nash’s Motion, but request that: (1) SS LLP be given 21 days
 5 to retain new counsel; and (2) all pending case deadlines be extended by six months, with status
 6 conferences set every three months. (*Id.* at 7.) Miller Nash filed a reply in agreement with these
 7 requests. (Reply (dkt. # 179) at 2.) SS LLP did not file any response and no new counsel has
 8 made an appearance on its behalf.

9 On October 4, 2024, Counter-Defendants filed a status report wherein they and R Expo
 10 requested appointment of a settlement judge. (Dkt. # 186.) Counter-Defendants stated that,
 11 “[w]ere the Court to modify the scheduling order as suggested . . . , Counter-Defendants would
 12 agree to withdraw their Motion to Strike and respond to the Amended Counterclaim in a
 13 timeframe set by the Court.” (*Id.* at 2.) On October 8, 2024, the Honorable Theresa L. Fricke was
 14 appointed as settlement judge. (*See* dkt.)

15 II. DISCUSSION

16 A. Motion to Withdraw

17 “No attorney shall withdraw an appearance in any case, civil or criminal, except by leave
 18 of court,” if withdrawal would leave the party unrepresented. Local Civil Rule (“LCR”)
 19 83.2(b)(1). In deciding on a motion to withdraw as counsel, the Court retains wide discretion to
 20 grant or deny the motion. *See United States v. Carter*, 560 F.3d 1107, 1113 (9th Cir. 2009) (“The
 21 district court’s denial of counsel’s motion to withdraw is reviewed for an abuse of discretion.”)
 22 “When ruling on motions to withdraw, courts consider: (1) the reasons why withdrawal is
 23 sought; (2) the prejudice withdrawal may cause to other litigants; (3) the harm withdrawal might

1 cause to the administration of justice; and (4) the degree to which withdrawal will delay the
2 resolution of the case.” *Rogers v. Howard*, 2022 WL 670922, at *1 (W.D. Wash. Mar. 7, 2022).

3 The Court finds that there is sufficient cause to grant the Motion to Withdraw. Miller
4 Nash indicates it seeks to withdraw because SS LLP has not complied with the terms of their
5 engagement and “professional considerations” require withdrawal. (Mot. to Withdraw at 2, 4.)
6 This reason weighs in favor of granting withdrawal. *Cf. Barton v. Rian Grp. Inc.*, 2023 WL
7 5609210, at *2 (W.D. Wash. Aug. 30, 2023) (withdrawal warranted by party’s “failure to
8 communicate with counsel or pay their outstanding bills”). Any harm to other litigants and the
9 administration of justice may be remedied by providing the extension of deadlines that those
10 litigants seek. (*See Resp. at 7.*) Finally, while withdrawal will cause delay, such delay is justified
11 by the unusual circumstances found here. Counter-Defendants and R Expo indicate they require
12 discovery from SS LLP that will be more difficult without counsel. (*Id.* at 3, 5-6.) Miller Nash
13 indicates SS LLP is actively pursuing related litigation in India that may directly affect this
14 litigation. (Dkt. ## 179 at 2 (“SS LLP seeks to have the Indian court order plaintiffs to withdraw
15 this litigation.”), 180 at ¶ 3.) Additional time will also assist the parties who are actively pursuing
16 settlement. (*See dkt. # 186.*)

17 The factors noted in *Rogers* weigh in favor of permitting withdrawal. 2022 WL 670922,
18 at *1. Accordingly, the Court grants Miller Nash’s Motion to Withdraw.

19 **B. Case Schedules**

20 SS LLP is “[a] business entity [that] must be represented by counsel.” LCR 83.2(b)(4).
21 Miller Nash represents that it has, as required, “advised the business entity that it is required by
22 law to be represented by an attorney admitted to practice before this court and that failure to
23 obtain a replacement attorney by the date the withdrawal is effective may result in the dismissal

1 of the business entity's claims for failure to prosecute and/or entry of default against the business
2 entity as to any claims of other parties." LCR 83.2(b)(4); *see* dkt. # 180 at ¶ 2.

3 The Court agrees with Counter-Defendants, R Expo, and Miller Nash that SS LLP should
4 be given a timeframe in which it must identify new counsel before its claims and defenses are
5 impacted. Consequently, SS LLP must identify new counsel, who must enter a notice of
6 appearance within 21 days.

7 The Court finds good cause to extend other pending deadlines in this action. In addition
8 to the time required for SS LLP to find new counsel, new counsel will need time to get up to
9 speed on this case. If new counsel is not found, the remaining parties' efforts at discovery may
10 be delayed. Accordingly, the Court grants a six-month extension on all pending case deadlines.
11 The Court will also set status conferences at three month intervals.

12 C. Motion to Strike

13 Counter-Defendants have agreed to withdraw their Motion to Strike if the Court grants
14 their request for a six-month extension. (Dkt. # 186 at 2.) Accordingly, the Court strikes the
15 Motion.

16 III. CONCLUSION

17 For the foregoing reasons, the Court hereby orders:

18 (1) Miller Nash LLP's Motion to Withdraw (dkt. # 173) is GRANTED. SS LLP is
19 ORDERED to identify new counsel who must file a notice of appearance within **twenty-one (21)**
20 **days** of the date this Order is signed.

21 (2) All pending case deadlines are hereby extended by six months. A new Scheduling
22 Order will be issued.

23 (3) A status hearing is set for **January 8, 2025, at 1:30 p.m.** in Courtroom 12A.

(4) Counter-Defendants' Motion to Strike (dkt. # 168) is STRICKEN.

Dated this 9th day of October, 2024.



MICHELLE L. PETERSON
United States Magistrate Judge